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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

JOSEPHINE FRANKLIN, an individual,

Defendant.

Case No.: 2:10-cv-01442

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Josephine Franklin (“Ms. Franklin”), on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

1 13. Ms. Franklin's display of the Infringement was and is purposefully directed at
2 Nevada residents.

3
4 **VENUE**

5 14. The United States District Court for the District of Nevada is an appropriate
6 venue, pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events giving rise to
7 the claim for relief are situated in Nevada.

8 15. The United States District Court for the District of Nevada is an appropriate
9 venue, pursuant to 28 U.S.C. § 1400(a), because Ms. Franklin is subject to personal jurisdiction
10 in Nevada.

11
12 **FACTS**

13 16. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
14 102(a)(1).

15 17. Righthaven is the owner of the copyright in and to the Work.

16 18. The Work was originally published on June 13, 2010.

17 19. On August 11, 2010, the United States Copyright Office (the "USCO") granted
18 Righthaven the registration to the Work, copyright registration number TX0007190324 (the
19 "Registration") and attached hereto as Exhibit 5 is evidence of the Registration from the official
20 USCO database depicting the occurrence of the Registration.

21 20. On or about June 13, 2010, Ms. Franklin displayed, and continues to display, the
22 Infringement on the Website.

23 21. Ms. Franklin did not seek permission, in any manner, to reproduce, display, or
24 otherwise exploit the Work.

25 22. Ms. Franklin was not granted permission, in any manner, to reproduce, display, or
26 otherwise exploit the Work.

CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

23. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 22 above.

24. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17 U.S.C. § 106(1).

25. Righthaven holds the exclusive right to prepare derivative works based upon the Work, pursuant to 17 U.S.C. § 106(2).

26. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to 17 U.S.C. § 106(3).

27. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17 U.S.C. § 106(5).

28. Ms. Franklin reproduced the Work in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(1).

29. Ms. Franklin created an unauthorized derivative of the Work in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(2).

30. Ms. Franklin distributed, and continues to distribute, an unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(3).

31. Ms. Franklin publicly displayed, and continues to publically display, an unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. § 106(5).

32. Ms. Franklin has willfully engaged in the copyright infringement of the Work.

33. Ms. Franklin's acts as alleged herein, and the ongoing direct results of those acts, have caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

34. Unless Ms. Franklin is preliminarily and permanently enjoined from further infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus

entitled to preliminary and permanent injunctive relief against further infringement by the Defendants of the Work, pursuant to 17 U.S.C. § 502.

PRAYER FOR RELIEF

Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

1. Preliminarily and permanently enjoin and restrain Ms. Franklin, and Ms. Franklin's officers, agents, servants, employees, attorneys, parents, subsidiaries, related companies, partners, and all persons acting for, by, with, through, or under Ms. Franklin, from directly or indirectly infringing the Work by reproducing the Work, preparing derivative works based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering, directing, participating in, or assisting in any such activity;

2. Direct Ms. Franklin to preserve, retain, and deliver to Righthaven in hard copies or electronic copies:

a. All evidence and documentation relating in any way to Ms. Franklin's use of the Work, in any form, including, without limitation, all such evidence and documentation relating to the Website;

b. All evidence and documentation relating to the names and addresses (whether electronic mail addresses or otherwise) of any person with whom the Defendants have communicated regarding Ms. Franklin's use of the Work; and

c. All financial evidence and documentation relating to Ms. Franklin's use of the Work;

3. Direct the current domain name registrar, Fast Domain, Inc., and any successor domain name registrar for the Domain to lock the Domain and transfer control of the Domain to Righthaven;

4. Award Righthaven statutory damages for the willful infringement of the Work, pursuant to 17 U.S.C. § 504(c);

5. Award Righthaven costs, disbursements, and attorneys' fees incurred by Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

1 6. Award Righthaven pre- and post-judgment interest in accordance with applicable
2 law; and

3 7. Grant Righthaven such other relief as this Court deems appropriate.
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5 **DEMAND FOR JURY TRIAL**

6 Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.

7 Dated this twenty-fifth day of August, 2010.

8 RIGHTHAVEN LLC
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10 By: /s/ J. Charles Coons
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